

**Support Document for the
Revised National Priorities List
Final Rule - April 2005**

**State, Tribal, and Site Identification Branch
Office of Solid Waste and Emergency Response
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Washington, DC 20460**

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EXECUTIVE SUMMARY

Section 105(a)(8)(B) of CERCLA, as amended by SARA, requires that the EPA prepare a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. An original NPL was promulgated on September 8, 1983 (48 FR 40658). CERCLA also requires the EPA to update the list at least annually.

This document provides responses to public comments received on one site proposed on September 23, 2004 (69 FR 56970). This site is being added to the NPL based on an evaluation under the HRS. This site is being added to the NPL in a final rule published in the *Federal Register* in April 2005.

The site addressed in this document is identified in the following table.

SITES ADDRESSED IN THIS DOCUMENT

Region	State	Site Name	City	Proposal Date	HRS Score	
					Proposed	Final
2	NJ	Crown Vantage Landfill	Alexandria Township	September 23, 2004	50.00	50.00

INTRODUCTION

This document explains the rationale for adding one site to the NPL of uncontrolled hazardous waste sites and also provides the responses to public comments received on this site. The EPA proposed this site on September 23, 2004 (69 FR 56970). This site is being added to the NPL based on an evaluation under the HRS. This site is being added to the NPL in a final rule published in the *Federal Register* in April 2005.

Background of the NPL

In 1980, Congress enacted CERCLA, 42 U.S.C. Sections 9601 *et seq.* in response to the dangers of uncontrolled hazardous waste sites. CERCLA was amended on October 17, 1986, by SARA, Public Law No. 99-499, stat., 1613 *et seq.* To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA Section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP, further revised by EPA on September 16, 1985 (50 FR 37624) and November 20, 1985 (50 FR 47912), sets forth guidelines and procedures needed to respond under CERCLA to releases and threatened releases of hazardous substances, pollutants, or contaminants. On March 8, 1990 (55 FR 8666), EPA further revised the NCP in response to SARA.

Section 105(a)(8)(A) of CERCLA, as amended by SARA, requires that the NCP include

criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, take into account the potential urgency of such action, for the purpose of taking removal action.

Removal action involves cleanup or other actions that are taken in response to emergency conditions or on a short-term or temporary basis (CERCLA Section 101(23)). Remedial action tends to be long-term in nature and involves response actions that are consistent with a permanent remedy for a release (CERCLA Section 101(24)). Criteria for placing sites on the NPL, which makes them eligible for remedial actions financed by the Trust Fund established under CERCLA, were included in the HRS, which EPA promulgated as Appendix A of the NCP (47 FR 31219, July 16, 1982). On December 14, 1990 (56 FR 51532), EPA promulgated revisions to the HRS in response to SARA, and established the effective date for the HRS revisions as March 15, 1991.

Section 105(a)(8)(B) of CERCLA, as amended, requires that the statutory criteria provided by the HRS be used to prepare a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is Appendix B of the NCP, is the NPL.

An original NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40658). At that time, an HRS

score of 28.5 was established as the cutoff for listing because it yielded an initial NPL of at least 400 sites, as suggested by CERCLA. The NPL has been expanded several times since then, most recently on February 11, 2005 (70 FR 7182). The Agency also has published a number of proposed rulemakings to add sites to the NPL. The most recent proposal was on September 23, 2004 (69 FR 56970).

Development of the NPL

The primary purpose of the NPL is stated in the legislative history of CERCLA (Report of the Committee on Environment and Public Works, Senate Report No. 96-848, 96th Cong., 2d Sess. 60 [1980]):

The priority list serves primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

The purpose of the NPL, therefore, is primarily to serve as an informational and management tool. The identification of a site for the NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of the human health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. The NPL also serves to notify the public of sites EPA believes warrant further investigation. Finally, listing a site may, to the extent potentially responsible parties are identifiable at the time of listing, serve as notice to such parties that the Agency may initiate CERCLA-financed remedial action.

CERCLA Section 105(a)(8)(B) directs EPA to list priority sites among the known releases or threatened release of hazardous substances, pollutants, or contaminants, and Section 105(a)(8)(A) directs EPA to consider certain enumerated and other appropriate factors in doing so. Thus, as a matter of policy, EPA has the discretion not to use CERCLA to respond to certain types of releases. Where other authorities exist, placing sites on the NPL for possible remedial action under CERCLA may not be appropriate. Therefore, EPA has chosen not to place certain types of sites on the NPL even though CERCLA does not exclude such action. If, however, the Agency later determines that sites not listed as a matter of policy are not being properly responded to, the Agency may consider placing them on the NPL.

Hazard Ranking System

The HRS is the principle mechanism EPA uses to place uncontrolled waste sites on the NPL. It is a numerically based screening system that uses information from initial, limited investigations -- the preliminary assessment and site inspection -- to assess the relative potential of sites to pose a threat to human health or the environment. HRS scores, however, do not determine the sequence in which EPA funds remedial response actions, because the information collected to develop HRS scores is not sufficient in itself to determine either the extent of contamination or the appropriate response for a particular site. Moreover, the sites with the highest scores do not necessarily come to the Agency's attention first, so that addressing sites strictly on the basis of ranking would in some cases require stopping work at sites where it was already underway. Thus, EPA relies on further, more detailed studies in the remedial investigation/feasibility study that typically follows listing.

The HRS uses a structured value analysis approach to scoring sites. This approach assigns numerical values to factors, that relate to or indicate risk, based on conditions at the site. The factors are grouped into three categories. Each category has a maximum value. The categories include:

- likelihood that a site has released or has the potential to release hazardous substances into the environment;
- characteristics of the waste (toxicity and waste quantity); and
- people or sensitive environments (targets) affected by the release.

Under the HRS, four pathways can be scored for one or more threats:

- Ground Water Migration (S_{gw})
 - drinking water
- Surface Water Migration (S_{sw})
 - These threats are evaluated for two separate migration components (overland/flood and ground water to surface water).
 - drinking water
 - human food chain
 - sensitive environments
- Soil Exposure (S_s)
 - resident population
 - nearby population
 - sensitive environments
- Air Migration (S_a)
 - population
 - sensitive environments

After scores are calculated for one or more pathways according to prescribed guidelines, they are combined using the following root-mean-square equation to determine the overall site score (S), which ranges from 0 to 100:

$$S = \sqrt{\frac{S_{gw}^2 + S_{sw}^2 + S_s^2 + S_a^2}{4}}$$

If all pathway scores are low, the HRS score is low. However, the HRS score can be relatively high even if only one pathway score is high. This is an important requirement for HRS scoring because some extremely dangerous sites pose threats through only one pathway. For example, buried leaking drums of hazardous substances can contaminate drinking water wells, but -- if the drums are buried deep enough and the substances not very volatile -- not surface water or air.

Other Mechanisms for Listing

Aside from the HRS, there are two other mechanisms by which sites can be placed on the NPL. The first of these mechanisms, authorized by the NCP at 40 CFR 300.425(c)(2), allows each State and Territory to designate one site as its highest priority regardless of score.

The last mechanism, authorized by the NCP at 40 CFR 300.425(c)(3), allows listing a site if it meets all three of these requirements:

- Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release;
- EPA determines the site poses a significant threat to public health; and
- EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Organization of this Document

The following section addresses site-specific public comments. The site discussion begins with a list of commenters, followed by a site description, a summary of comments, and Agency responses. A concluding statement indicates the effect of the comments on the HRS score for the site.

Glossary

The following acronyms and abbreviations are used throughout the text:

Agency	U.S. Environmental Protection Agency
ATSDR	Agency for Toxic Substances and Disease Registry
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sections 9601 <i>et seq.</i> , also known as Superfund
EPA	U.S. Environmental Protection Agency
HRS	Hazard Ranking System, Appendix A of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300
HRS Score	Overall site score calculated using the Hazard Ranking System; ranges from 0 to 100
NCP	National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300
NPL	National Priorities List, Appendix B of the NCP
NPL-###	Public comment index numbers as recorded in the Superfund Docket in EPA Headquarters and in Regional offices
PA/SI	Preliminary Assessment/Site Inspection
PRP	Potentially Responsible Party
RCRA	Resource Conservation and Recovery Act of 1976 (U.S.C. 9601-6991, as amended)
RD/RA	Remedial Design/Remedial Action
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision, explaining the CERCLA-funded cleanup alternative(s) to be used at an NPL site
SARA	Superfund Amendments and Reauthorization Act of 1986, Public Law No. 99-499, stat., 1613 <i>et seq.</i>

REGION 2

1.1 Crown Vantage Landfill, Alexandria Township, NJ

1.1.1 List of Commenters and Correspondents

SFUND-2004-0012-0047	Comment dated November 22, 2004, from Jeffrey N. Martin and Eric J. Murdock of Hunton & Williams LLP, representing Georgia-Pacific Corporation.
SFUND-2004-0012-0059	Comment dated November 22, 2004, from Bruce S. Katcher of Manko, Gold, Katcher & Fox, LLP, representing O'Neill Properties Group, L.P.
SFUND-2004-0012-0063	Comment dated November 22, 2004, from Bruce S. Katcher of Manko, Gold, Katcher & Fox, LLP, representing O'Neill Properties Group, L.P.
SFUND-2004-0012-0013	Correspondence dated September 9, 2004, from Bradley M. Campbell, Commissioner, State of New Jersey Department of Environmental Protection.

1.1.2 Site Summary

The Crown Vantage Landfill (CVLF) site comprises releases of hazardous substances associated with the operation of the landfill, an inactive, industrial landfill located off Milford-Frenchtown Road (County Route 619) in Alexandria Township, Hunterdon County, New Jersey. The landfill encompasses approximately 10 acres adjacent to and within the flood plain of the Delaware River and is bordered to the north by the currently inactive Crown Vantage paper mill plant property; to the east by an abandoned railroad right-of-way; to the south by New Jersey State park land; and to the west by the Lower Delaware River. With the exception of the paper mill, land use in the area is mixed agricultural, residential, and recreational. The CVLF is characterized by the deposition of soil, ash, sludge, drums, and miscellaneous metal construction debris. Fill material in the landfill is approximately 20 to 25 feet thick. Surface soil and waste samples were collected from the western face of the landfill by the U.S. Environmental Protection Agency (EPA) in November 2003. These samples documented the presence of hazardous substances in the CVLF and contaminated soils that were in direct contact with the Delaware River during flooding (including elevated levels of semi-volatile organic compounds (SVOCs) and PCBs that bioaccumulate in fish tissue). These hazardous substances were also found in releases to the river.

The Delaware River adjacent to the landfill is used for sport fishing for human consumption. As a result, a threat to human health and the environment exists.

1.1.3 Summary of Comments and Correspondence

Three commenters submitted comments and/or correspondence on placing the Crown Vantage Landfill on the NPL. Commissioner Bradley M. Campbell, State of New Jersey Department of Environmental Protection, supported listing the site on the NPL. Mr. Jeffrey N. Martin and Mr. Eric J. Murdock writing on behalf of Georgia-Pacific Corporation (herein referred to as Georgia-Pacific) requested that EPA defer final action on its proposal to list Crown Vantage Landfill on the NPL pending an evaluation of response actions currently being undertaken by EPA. Mr. Bruce S. Katcher writing on behalf of O'Neill Properties Group, L.P. (herein referred to as O'Neill Properties Group), also opposed listing Crown Vantage Landfill on the NPL.

1.1.3.1 Support for Listing

Commissioner Bradley M. Campbell of the State of New Jersey Department of Environmental Protection stated that the State of New Jersey concurs with the EPA's proposal of the site to the NPL. Commissioner Bradley M. Campbell stated that inclusion of the site on the NPL is the appropriate action based on the existing site conditions and the need to address these issues to eliminate further impact on the Delaware River.

In response, the Agency has added Crown Vantage Landfill to the NPL. Listing makes a site eligible for remedial action funding under CERCLA, and EPA will examine the site to determine what response, if any, is appropriate. Actual funding may not necessarily be undertaken in the precise order of HRS scores, however, and upon more detailed investigation may not be necessary at all in some cases. EPA will determine the need for using Superfund monies for remedial activities on a site-by-site basis, taking into account the NPL ranking, State priorities, further site investigation, other response alternatives, and other factors as appropriate. EPA will not stop work at some sites to begin work at other higher-scoring sites added to the NPL more recently.

1.1.3.2 Removal Action Reduced Risk Posed by Site

Georgia-Pacific commented that the HRS scoring of the Crown Vantage Landfill site "focused on the potential for release via overland migration and/or flood and emphasized the 'lack of containment measure designed, constructed, operated and maintained to prevent a washout of hazardous substances by flooding.'" It added that EPA noted that the western portion of the landfill and the adjacent soil have been in direct contact with the Delaware River during flooding. Georgia-Pacific commented that EPA commenced an emergency response action to stabilize the edge of the site adjoining the river. Georgia-Pacific then contended that "[b]y repairing eroded areas of the river bank and establishing flood containment measures, EPA's current removal action directly addresses the conditions on which the HRS scoring of the site was based." According to Georgia-Pacific, "[b]ecause the HRS scoring on which the proposed NPL listing is based focused exclusively on the surface water migration pathway, there is no longer a proper factual record to justify the proposed listing." Georgia-Pacific stated that the information in the administrative record indicates that the other migration pathways are not likely to pose any significant exposure risks.

Georgia-Pacific commented that although it is EPA's policy to score sites based on conditions prior to any response actions, it believes that it is inappropriate to apply this policy in this case. It said that EPA lists three reasons for this policy, and they are as follows:

(1) concern that scoring based on actual conditions might encourage incomplete cleanups intended to manipulate scores and leave significant health threats unaddressed, (2) concern that response actions may lower scores in a way that overstates the actual mitigation of site risks, and (3) concern that it would be unduly burdensome on the agency to continually recalculate scores to reflect response actions.

Georgia-Pacific commented that taking account of EPA's removal actions at this site in scoring, these concerns are not raised. It added:

Because the removal action is being taken by EPA, there should be no concern about attempts to manipulate scores through inappropriately limited actions; the present scoring considered only the surface water migration pathway; the removal action directly reduces the risk of migration via surface water; and any reduction in the site score based on that removal action should correlate directly with the actual reduction in the risk that the agency has identified.

Georgia-Pacific also added that because the site score disregards any other migration pathway, there is no risk that accounting for the removal action would somehow skew the scoring for other pathways. In addition, Georgia-Pacific asserted "[f]inally, although EPA's concern about the burden of accounting for ongoing response actions is understandable, . . . it is reasonable to expect the agency to take account of its own actions."

O'Neill Properties Group commented that it is not necessary to place the site on the NPL to promptly and effectively remediate the site. It added that EPA was taking remedial action at the Crown Vantage Landfill to stabilize the landfill even though it had not been placed on the NPL. It stated that "[i]n the next few weeks, workers will place stones at the site to prevent further erosion, clear trees in the area to prevent uprooting and build a pad to decontaminate equipment." O'Neill Properties Group cited the October 22, 2004 Star Ledger as the source for this information. O'Neill Properties Group added that EPA's removal authority can go far toward securing the site against further imminent danger to the environment, and a more permanent remedy can be developed through a private/public partnership without placing the Crown Vantage Landfill on the NPL. O'Neill Properties Group stated that the most pressing issues at the Crown Vantage Landfill are being addressed under EPA's removal authority, which will lower the level of concern and the HRS site score.

In response, EPA believes that environmental or human health impacts may not have been adequately addressed by the emergency response actions taken at this site in 2004. EPA considers certain removal actions in the HRS scoring of a site to increase incentives for rapid response actions at sites, and it does so when certain goals are met, most importantly that they are completed prior to listing and when it is clearly demonstrated that there is no remaining release or potential for a release that could cause adverse environmental or human health impacts. The goals have not been met, as the actions taken at the site are emergency response actions taken after another flood event to stabilize only the side of the landfill adjacent to the Delaware River using rip-rap; and do not address stabilization of the entire landfill. The

actions also do not address the risk of future contamination posed by the river coming into direct contact with the landfill, or the risk of future contamination into the river from a collapse or sloughing in other portions of the landfill due to heavy rainfall events. Nor do they address the contaminated sediments adjacent to and downstream of the site that resulted from previous releases. Hence, the ongoing emergency actions have not been determined to be a permanent solution, even if they had been completed. (The foregoing response is in accordance with EPA's discussion in the preamble to the HRS on consideration of such removal actions in the assignment of HRS scores (Section Q of the preamble of the HRS, 55 FR 51568, December 14, 1990) and the *Revision to OSWER NPL Policy "The Revised Hazard Ranking System: Evaluating Sites After Waste Removals,"* OSWER 9345.1-25, April 4, 1997).

Furthermore, Georgia Pacific is mistaken when it implies that, because EPA did not evaluate pathways of exposure other than surface water, such pathways are not present. EPA frequently elects not to expend scarce resources to investigate additional pathways if those pathways would not significantly affect the site score or the listing decision. At the CVLF site, there is a high likelihood that area ground water is being impacted and that contamination could be migrating to the river via ground water. If this is the case, stabilization of the interface between the landfill and the river may not be sufficient to control future releases to the Delaware River. It is also possible that erosion of the landfill over time has led to exposure of hazardous substances at the ground surface, raising the possibility of direct contact to hazardous substances and air migration of contaminated dust. These possible pathways of human exposure will be considered during future investigations of the site such as the remedial investigation/feasibility study (RI/FS) that normally follows listing.

In response to the O'Neill Properties Group suggestion that response actions currently underway would lower the level of concern and the HRS site score, EPA disagrees. These actions are designed simply to stabilize the edge of the landfill adjacent to the river. However, the placement of stones preventing collapse of the landfill into the river will not prevent the river from coming into direct contact with contaminants in the landfill, nor will it address the risk of contamination entering the river due to a collapse of other sections of the landfill caused by flooding. As noted above, these actions also do not address contaminated sediments in the river that resulted from previous releases. Further, as no hazardous substances have been physically removed from the landfill, no changes would result to other HRS rating factors such as toxicity or hazardous waste quantity. In fact, emergency response actions being taken at the site will not affect the numerical values assigned to any HRS rating factor; thus, no change in HRS score will result. For more discussion of response alternatives, see Section 1.1.3.5 of this support document, *Alternatives to Listing*.

1.1.3.3 Stigma/Economic Impact

O'Neill Properties Group commented that the stigma that will adhere to the Curtis Property and its redevelopment plans as a result of the adjoining property being on the NPL will seriously undermine the marketability of the Curtis project for the type of residential and commercial reuse for which this site is ideally suited. It stated that the stigma will affect the long term success of the project, impacting O'Neill Properties Group's ability to attract residential purchasers and commercial development, and acting as a continuing drain on O'Neill Properties Group's resources and impeding its ability to fund remediation of the Curtis Property. O'Neill Properties Group concluded that if it does not pursue this project, the Curtis Property may become a candidate for publicly funded remediation.

Georgia-Pacific commented that it is likely that any further response actions that may be warranted at the site could be accomplished in a more expeditious and cost effective manner if they are conducted outside of the formal NPL process, in which it is more likely that PRPs may be willing to agree to participate in such response actions.

O'Neill Properties Group commented that the stigma would undermine Milford's and Alexandria's [Milford Borough and Alexandria Township, Hunterdon County, New Jersey] desire to ensure an appropriate reuse of the property through the State process for designating sites such as the Curtis Property for redevelopment. It added that it is unlikely that either Milford or Alexandria will be able to attract another willing developer to the site if O'Neill Properties Group, which has extensive experience in redeveloping contaminated properties, decides that listing Crown Vantage Landfill on the NPL will preclude the marketability of residential development on the Curtis Property. O'Neill Properties Group stated that this could have a devastating impact on municipal finances and local schools.

According to O'Neill Properties Group, Curtis Paper Mill provided a major portion of Milford's and Alexandria's local tax base. It stated that Curtis owes Milford five hundred thousand dollars in back taxes, and closure of the mill forced Milford to combine four elementary school grades under two teachers and two aides. O'Neill Properties Group contended that "[w]ithout the redevelopment of the site, the situation only promises to get worse."

In response, economic factors such as those raised by the commenter are not considered in the assessment of whether a site belongs on the NPL. The stigma associated with environmental contamination is the result of a number of factors, including the actions that resulted in the contamination of the site. Inclusion of a site or facility on the list does not in itself reflect a judgment on the activities of the owner(s) or operator(s), but rather reflects the Agency's judgment that a significant release or threat of release has occurred and that the site is a priority for further investigation under CERCLA. The Agency notes that there are both costs and benefits that can be associated with listing a site. Among the benefits associated with listing a site on the NPL is increased health and environmental protection as a result of increased public awareness of potential hazards. In addition to the potential for Federally financed remedial actions, the addition of a site to the NPL could accelerate privately financed cleanup efforts by potentially responsible parties (PRPs). Listing sites as national priority targets also may give States increased support for funding responses at particular sites. As a result of the additional CERCLA remedies, there will be lower human exposure to high-risk chemicals, and higher-quality surface water, ground water, soil, and air. Therefore, it is possible that any perceived or actual negative fluctuations in property values or development opportunities that may result from contamination may also be countered by positive fluctuations when a CERCLA investigation and any necessary cleanup are completed.

1.1.3.4 Liability

Georgia-Pacific denies that it or any of its affiliates has any liability for environmental conditions at the site. According to Georgia-Pacific, within the last year it responded to a CERCLA § 104(e) information request from EPA regarding the site. It added that EPA recently informally advised Georgia-Pacific that the Agency may consider the company to be a potentially responsible party (PRP) but has not received written communication from the Agency formally notifying the Georgia-Pacific that it is a PRP.

Georgia-Pacific stated that, because the company remains potentially exposed to such liability, it has an interest in the manner EPA may choose to manage the investigation and remediation.

Georgia-Pacific commented that New Jersey Department of Environmental Protection (NJDEP) worked solely with Crown Vantage Corporation for several years; Georgia-Pacific was not and had no reason to be involved in these efforts. It added that it was not until Crown Vantage was liquidated through a bankruptcy proceeding that EPA began to consider other possible PRPs.

In response, the Agency neither confirms nor denies the accuracy of the commenters' statements as to who was liable for the contamination at and released from this site. Liability is not considered in evaluating a site under the HRS. The NPL serves primarily as an informational tool for use by the Agency in identifying those sites that appear to present a significant risk to public health or the environment. It does not reflect a judgment on the activities of the owner(s) or operator(s) of a site. It does not require those persons to undertake any action, nor does it assign any liability to any person. Thus, liability has no impact on the site score and, hence, eligibility for the NPL. This position, stated in the legislative history of CERCLA, has been explained more fully in the Federal Register (48 FR 40759, September 8, 1983 and 53 FR 23988, June 24, 1988). See *Kent County v. EPA*, 963 F.2d 391 (D.C. Cir. 1992).

1.1.3.5 Alternatives to Listing

Georgia-Pacific requested that EPA defer final action on its proposal to list the Crown Vantage Landfill Site on the NPL. According to Georgia-Pacific, EPA recently commenced a removal action to address the conditions that were the basis of the proposed listing. It commented that it would be appropriate in this case for the Agency to evaluate the effectiveness of the removal action in reducing exposure risks at the site and to allow potentially responsible parties a reasonable opportunity to participate in any further response actions that may be warranted before triggering the costly and cumbersome NPL process.

O'Neill Properties Group commented that the companies that have owned the Curtis Property and the Crown Vantage Landfill have filed for bankruptcy, and these circumstances will prevent the remediation of the Curtis Property unless O'Neill Properties Group proceeds with its redevelopment plans to remediate and convert the site to a viable reuse – a prototypical brownfields redevelopment project.¹ O'Neill Properties Group contended that Milford has already initiated the steps necessary to designate that portion of the Curtis Property in Milford as an area in need of redevelopment under state law to trigger the necessary local regulatory flexibility and eligibility for financial assistance that will attract a developer like O'Neill Properties Group to the site. O'Neill Properties Group commented that because of the proximity of the Crown Vantage Landfill to the Curtis Property, the ultimate disposition of the Landfill is of considerable interest to O'Neill Properties Group and critical to the future remediation and

¹O'Neill Properties Group is the prospective purchaser under a Purchase and Sale Agreement with Curtis Papers, Inc. to acquire a closed paper manufacturing facility (the "Curtis Property") in Alexandria Township and Milford Borough, Hunterdon County, New Jersey in connection with an Ohio bankruptcy proceeding involving Curtis. The Curtis Property adjoins the parcel on which the Crown Vantage Landfill is located. O'Neill Properties Group plans a major mixed-use residential community at the Curtis Property. The Crown Vantage Landfill is located between the Curtis Property and the Delaware River.

redevelopment of the Curtis Property. O'Neill Properties Group is concerned that its efforts and those of local municipal officials to ensure redevelopment of the Curtis Property could be seriously undermined by the inclusion of Crown Vantage Landfill on the NPL. O'Neill Properties Group added that the environmental concerns associated with the site can be addressed more effectively by means other than the NPL.

In its November 22, 2004 submission, O'Neill Properties Group commented that the "state expressed willingness to discuss the possibility of working together to address the site without listing it on the NPL." O'Neill Properties Group stated the following:

Several weeks ago O'Neill met with the Commissioner of the New Jersey Department of Environmental Protection, Bradley Campbell, and the Assistant Commissioner for the Site Remediation, Joseph Seebode, to discuss the site and explain its interest. At this time the state expressed willingness to discuss the possibility of working together to address the site without listing it on the NPL.

O'Neill Properties Group stated that at the meeting with NJDEP, they also discussed working together to implement the reuse of the Crown Vantage Landfill as an open space/recreational pursuits area by integrating it with the nearby Delaware & Raritan Canal development activities. O'Neill Properties Group projected that this type of reuse would open up other funding opportunities that are available to promote the reuse of contaminated sites for open space and recreation.

O'Neill Properties Group commented that Assistant Commissioner Seebode identified the New Jersey Hazardous Site Discharge Site Remediation Fund as a potentially significant source of funds to apply to remediation of the site. It added that legislation was recently introduced in the New Jersey Senate (S277) that would give funding priority to a site such as Crown Vantage Landfill that is located in a sensitive or significant ecological area and that provides for a new category of matching grants for sites to be used for recreational or conservation purposes. O'Neill Properties Group stated that the municipality of Alexandria would want to see the landfill addressed more promptly, a possibility that exists under the private/public partnership, rather than at the "glacial pace at which the Superfund program works to address NPL sites."

O'Neill Properties Group commented that funding is available from other sources including the New Jersey Spill Compensation Fund and the federal Brownfields Revitalization Act amendments to Superfund. O'Neill Properties Group commented that funds from the Brownfields Revitalization Act would not be available as long as the site is proposed for listing or listed on the NPL. It added that it has begun to investigate PRPs as a further source of remediation funding, and it has identified at least one PRP and several others that may be sources of funds.

O'Neill Properties Group stated that if EPA wants to make a commitment to the revitalization of this site consistent with its Land Revitalization policy, the best way to do so would be to keep the site off the NPL and to work in a public/private partnership with O'Neill Properties Group, the State of New Jersey, Federal government representatives, and local municipal officials. It added that participation by O'Neill Properties Group and private PRPs is far less likely under the Superfund program. O'Neill Properties Group stated that it could tap into state and federal grants, loans, or "in-kind resources."

In response, EPA defers listing of sites to State programs or to PRP cleanups with State involvement or oversight only when the State has expressed agreement. As noted previously, the State of New Jersey concurred with the proposal of this site on September 9, 2004 (see SFUND-2004-0012-0013). On September 23, 2004, EPA confirmed that the State continued to support the listing of this site on the NPL. On March 2, 2005, the New Jersey Department of Environmental Protection confirmed with the EPA Region their continuing support for including the Crown Vantage Landfill on the NPL. EPA has tried to work with PRPs to address site conditions, but those efforts have been unsuccessful to date. Under this set of circumstances, listing offers the most efficient and timely approach to achieving cleanup of the site.

With regard to Georgia-Pacific's comment that PRPs should be allowed an opportunity to participate in any further response actions before triggering the costly and cumbersome NPL process, listing a site on the NPL does not prevent PRPs from participating in cleanup actions. Consistent with CERCLA, however, the Agency has in place an orderly procedure for identifying sites where releases of substances addressed under CERCLA have occurred or may occur, placing such sites on the NPL, evaluating the nature and extent of the threats at such sites, responding to those threats, and deleting sites from the NPL. As noted above, EPA and the State of New Jersey have determined that listing offers the best approach to cleanup.

With regard to O'Neill Properties Group comment on the Brownfields Revitalization Act, EPA agrees with the commenter that funds from the Brownfields Revitalization Act are not available to NPL sites.

1.1.4 Conclusion

The original HRS score for this site was 50.00. Based on the above response to comments, the score remains unchanged. The final scores for the Crown Vantage Landfill site are:

Ground Water:	Not Scored
Surface Water:	100.00
Soil Exposure:	Not Scored
Air:	Not Scored
HRS Score:	50.00